FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Second Appeal No. 322/2005

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATED : March 16, 2007.

Heard Shri Sirpurkar for the appellants, and Shri P.A. Deshmukh for the respondent.

The appellants are the original defendants. A suit was filed by the respondent/ plaintiff for possession on the basis of title. Both the Courts concurrently held that the plaintiff has proved that the suit house was the self-acquired property of his father Vishwanath. The Courts held that Vishwanath had executed a valid Will and had bequeathed the property in favour of the plaintiff. The Courts further held that the defendants were residing in the suit house as licensee. The Courts held that the defendants had failed to prove that they were occupying the premises for more than 40 years as rightful owners thereof. It was also held that the common ancestor of the parties by name Narayan was not occupying the suit property and, therefore, the defendants cannot claim title on the

basis of the ownership of Narayan, the father of Vishwanath.

For recording the aforesaid findings, the Courts relied on the documents produced by the plaintiff on record as also the oral evidence and certain admissions made by the defendant in his cross-examination.

The findings recorded by both the Courts are pure findings of facts which do not give rise to any substantial question of law. Second appeal is, therefore, dismissed with no order as to costs.

JUDGE

RMP